

# State of Utah

## DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF AIR QUALITY

Michael O. Leavitt  
Governor

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### **Certified Mail**

DAQC--2001

March , 2001

Mr. LeGrand Bitter  
Wasatch Energy Systems  
650 East Highway 193  
Layton, Utah 84041-8647

Dear Mr. Bitter:

RE: **NOTICE OF VIOLATION AND ORDER TO COMPLY** - Utah Administrative Code (UAC) R307-401 and Condition 7 of Approval Order (AO) dated September 10, 1996 - Wasatch Energy Systems - Davis County

On February 28, 2001, the Division of Air Quality (DAQ) received a report of testing of Unit A performed on January 18-22, 2001. The test report indicates that at the time of testing, Unit A hydrogen chloride (HCl) emissions averaged 352.0 parts per million by dry volume, adjusted to 7 percent oxygen (ppmdv @ 7% O<sub>2</sub>). Using the oxygen concentrations determined from the test grab samples, DAQ calculates that at the time of testing, Unit A HCl emissions averaged 394.3 ppmv @ 7% O<sub>2</sub>. Condition 7 of the AO dated September 10, 1996 limits HCl emissions from Unit A to 330 ppmv @ 7% O<sub>2</sub>.

The enclosed **NOTICE OF VIOLATION AND ORDER TO COMPLY** is based on the data contained in the test report. The **ORDER** is effective immediately. Compliance with the **ORDER** is mandatory and will not relieve the company of liability for any past violations. To request a formal administrative hearing, the procedures detailed in the paragraph entitled "Compliance, Opportunity for a Hearing" must be followed.

The **ORDER** requires Wasatch Energy Systems to submit written notification of its intent to comply, indicating how and when compliance will be achieved, to DAQ in writing on or before the 15th day after receipt of the **ORDER**. A meeting will then be arranged to discuss the violation, findings, and resolution. Questions regarding this matter may be directed to Harold Burge at (801)536-4129.

**WHEN RESPONDING, REFER TO THE DATE ON THIS LETTER.**

Sincerely,

Richard W. Sprott, Executive Secretary  
Utah Air Quality Board

RWS:HAB:sd

Enclosure: **NOTICE OF VIOLATION AND ORDER TO COMPLY**

cc: Department of Environmental Quality, Dianne R. Nielson  
EPA Region VIII, Carol Smith  
Davis County Health Department

THE UTAH AIR QUALITY BOARD

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In the Matter of	:	NOTICE OF VIOLATION
Wasatch Energy Systems	:	AND ORDER TO COMPLY
	:	No.
	:	

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This NOTICE OF VIOLATION AND ORDER TO COMPLY is issued by the UTAH AIR QUALITY BOARD (the Board) pursuant to the Utah Air Conservation Act (Act) Section 19-2-101, et seq., Utah Code Annotated 1953, as amended. The Executive Secretary is authorized to issue Notices of Violation pursuant to Section 19-2-110 of Utah Code Annotated. The Board has delegated to the Executive Secretary authority to issue ORDERS in accordance with Section 19-2-107(2)(g) of the Utah Code Annotated.

FINDINGS

1. Wasatch Energy Systems (WES) operates two municipal waste combustor units (Units A and B) located at 650 East Highway 193, Layton, Davis County, Utah. WES' offices are located at that same address.
2. On September 10, 1996, the Executive Secretary issued an Approval Order (AO) to WES in accordance with Utah Administrative Code (UAC) R307-401. Condition 7 of that AO limits hydrogen chloride (HCl) emissions from Unit A to 330 parts per million by dry volume corrected to 7 percent oxygen (ppmdv @ 7% O<sub>2</sub>).
3. On February 28, 2001, the Executive Secretary received a report dated February 15, 2001 of compliance testing performed at WES on January 18-22, 2001. The report indicates that at the time of testing, HCl emissions from Unit A averaged 352.0 ppm<sub>dv</sub> @ 7% O<sub>2</sub>. The report further states that this reported HCl value was based on the oxygen concentrations reported by the facility's continuous emissions monitoring system. The Division of Air Quality, using the oxygen concentrations measured by grab sampling, calculates that at the time of testing, the HCl emissions from Unit A averaged 394.3 ppm<sub>dv</sub> @ 7% O<sub>2</sub>.

VIOLATION

Based on the foregoing FINDINGS, WES is in violation of Condition 7 of the AO dated September 10, 1996 for HCl emissions from Unit A which exceeded the HCl emission limit.

ORDER

Based on the foregoing FINDINGS AND VIOLATION, WES, pursuant to Section 19-2-107(2)(g) of the Utah Code Annotated, is hereby ORDERED TO:

1. Immediately initiate all actions necessary to achieve total compliance with all applicable provisions of the Act.
2. Notify this office in writing on or before the 15th day after receipt of this letter, of WES' intent to comply with this ORDER and indicate how compliance will be achieved.

COMPLIANCE, OPPORTUNITY FOR A HEARING

This ORDER is effective immediately and shall become final unless WES requests, in writing, a hearing within thirty (30) days after receipt of this Notice pursuant to Utah Code Annotated 19-2-110. Section 19-2-115 of the Utah Code Annotated provides that violators of the Utah Air Conservation Act and/or any ORDER issued thereunder may be subject to a civil penalty of up to \$10,000.00 per day for each violation.

Dated \_\_\_\_\_ day of \_\_\_\_\_, 2001.

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Richard W. Sprott, Executive Secretary  
Utah Air Quality Board